

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SCOTT NATHON WEHMHOEFER, §
TDCJ #795907, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-06-0205
§
§
WARDEN VASQUEZ, *et al.*, §
§
§
Defendants. §

**ORDER GRANTING MOTION
TO PROCEED ON APPEAL *IN FORMA PAUPERIS***

On January 26, 2006, this Court dismissed a civil rights lawsuit filed by state inmate Scott Wehmhoefer. The plaintiff has filed a notice of appeal from that decision. He has also filed an application to proceed on appeal *in forma pauperis*. (Docket Entry No. 6). Because the plaintiff is incarcerated, this case is governed by the Prison Litigation Reform Act (the “PLRA”). The PLRA requires prisoners to pay an initial partial filing fee for all civil actions and appeals. 28 U.S.C. § 1915(b)(1). The PLRA also requires prisoners to pay the balance of the full appellate filing fee (\$255.00). Accordingly, the Court **ORDERS** that:

1. The application for leave to proceed *in forma pauperis* (Docket Entry No. 6) is **GRANTED**.
2. The plaintiff is not assessed an initial partial filing fee because the documentation provided in support of his motion shows that he lacks the requisite funds.
3. The plaintiff shall pay \$255.00, the balance of the full filing fee, in periodic

installments as required by 28 U.S.C. § 1915(b). The agency shall collect this amount from the plaintiff's trust account and forward it to the Court.

4. The plaintiff is responsible for signing all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

The Clerk will send copies of this order to the parties, to TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas 78711, fax 512-936-2159, and the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax 936-437-4793.

SIGNED at Houston, Texas, on **February 10, 2006**.



Nancy F. Atlas
Nancy F. Atlas
United States District Judge